

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

W. A. DREW EDMONDSON, in his)
capacity as ATTORNEY GENERAL)
OF THE STATE OF OKLAHOMA and)
OKLAHOMA SECRETARY OF THE)
ENVIRONMENT C. MILES TOLBERT,))
in his capacity as the)
TRUSTEE FOR NATURAL RESOURCES)
FOR THE STATE OF OKLAHOMA,)

Plaintiff,)

vs.)

4:05-CV-00329-TCK-SAJ

TYSON FOODS, INC., et al,)

Defendants.)

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THE VIDEOTAPED DEPOSITION OF
ROGER OLSEN, PhD, produced as a witness on behalf
of the Defendants in the above styled and numbered
cause, taken on the 2nd day of February, 2008, in
the City of Tulsa, County of Tulsa, State of
Oklahoma, before me, Lisa A. Steinmeyer, a Certified
Shorthand Reporter, duly certified under and by
virtue of the laws of the State of Oklahoma.

A P P E A R A N C E S

FOR THE PLAINTIFFS:

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-and-
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FOR TYSON FOODS:

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FOR GEORGE'S:	Mr. James Graves Attorney at Law 221 North College Fayetteville, AR 72701
FOR CAL-MAINE:	Mr. Robert Sanders Attorney at Law 2000 AmSouth Plaza P. O. Box 23059 Jackson, MS 39225 (Via phone)
FOR WILLOW BROOK:	Ms. Jennifer Griffin Attorney at Law 314 East High Street Jefferson City, MO 65109 (Via phone)

1 conducted investigation that has found the same
2 chemical signature for poultry waste that you claim
3 to have found in the Illinois River watershed?

4 **A** That signature is unique. No one has ever
5 done that extensive list analysis to do this;

11:53AM

6 however, I base the selection of chemicals on what
7 was in the literature. So it will -- those

8 chemicals that I see in that signature match what's
9 in the literature, but there's no one that's ever

10 done a complete chemical signature that I know of

11:53AM

11 that's published in -- someone may have done it. I
12 don't know.

13 **Q** Are you aware of a single other scientist in
14 the world who claims to have identified this list of
15 25 constituents and the coefficients that you've
16 developed and called that a signature for chicken
17 litter influencing water?

11:53AM

18 **A** I'm not aware of any.

19 **Q** You're the first person in the history of the
20 world to have done that; is that true?

11:54AM

21 **A** Yeah, but I'm not the first person in the
22 world to have created chemical signatures for
23 contamination sources in rivers. That's in the
24 literature. It's done routinely, and it's done for
25 an extensive list of parameters, and that's why I

11:54AM

1 have such an extensive list of parameters, because
2 it will create a unique signature.

3 Q Dr. Olsen, how long have scientists and
4 governmental bodies been studying the potential
5 impact of poultry litter on water quality in the 11:54AM
6 United States?

7 MR. PAGE: Object to the form.

8 A I don't know the exact data. I'd have to go
9 back and look at some of the literature sources.

10 Q You'll agree that work has been ongoing for at 11:54AM
11 least decades?

12 MR. PAGE: Object to the form.

13 A I think it just most recently -- I don't know
14 if it's been going on for decades, I can't determine
15 that, but it's certainly got much more scrutiny in 11:54AM
16 the last few years.

17 Q And during all the length of that study by
18 scientists from other firms and government
19 regulators, no one other than yourself has
20 identified this 25 list of parameters in certain 11:55AM
21 concentrations as a chemical signature for poultry
22 litter; is that true?

23 MR. PAGE: Object to the form.

24 A That's my unique work to develop that
25 signature, just like no one's ever developed a qPCR 11:55AM

1 for chicken, but we did it, and we did a signature,
2 too.

3 Q Would the same be true with respect to the
4 signatures that you believe you've identified for
5 POTWs and cattle; no one else in the world has
6 developed the list of parameters that you believe is
7 distinct and unique for those sources of
8 contamination despite all the years of work on water
9 quality in the United States?

11:55AM

10 MR. PAGE: Object to the form.

11:55AM

11 A People have done the same thing for
12 wastewater, and that's where I got some of my
13 analysis, from one of the professors. I'd have to
14 look to see what parameters he looked at and which
15 ones he used in his analysis to determine whether --
16 he didn't do all 25 like I did, though, you know,
17 but he used the same overriding principles to
18 develop --

11:56AM

19 Q Who is he?

20 MR. PAGE: Would you let the witness answer
21 the question, please?

11:56AM

22 Q I'm sorry, Mr. Olsen.

23 A Dr. Furman (sic) at Furman University.

24 MR. ELROD: Dr. Furman at Furman
25 University?

11:56AM